

AMENDED IN ASSEMBLY JUNE 12, 2012

AMENDED IN SENATE APRIL 30, 2012

AMENDED IN SENATE APRIL 16, 2012

**SENATE BILL**

**No. 1299**

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**Introduced by Senator Wright**

February 23, 2012

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An act to amend Sections 13952, *13953*, 13954, *13955*, 13957.2, and 13957.7, ~~and 13957.9~~ of, *and to repeal Section 13957.9 of*, the Government Code, relating to victims of crime, *and making an appropriation therefor*.

LEGISLATIVE COUNSEL'S DIGEST

SB 1299, as amended, Wright. Victims of crime: compensation.

**Existing**

*(1) Existing law provides for the indemnification compensation of victims and derivative victims of specified types of crimes by the California Victim Compensation and Government Claims Board, subject to specified criteria for, among other things, submission and verification of applications, eligibility for emergency awards and compensation for specified services, procedures for hearings with respect to the denial of awards, and publicizing of the program by the board. Payment is made under these provisions from the Restitution Fund, which is continuously appropriated to the board for these purposes: from the Restitution Fund, a continuously appropriated fund, for specified losses suffered as a result of those crimes. Existing law sets forth eligibility requirements and specified limits on the amount of compensation the board may award.*

*This bill would increase from one year to 3 years the time period in which crime victims may file an application for compensation. The bill would modify the authorization for the board to extend that time period for good cause, as specified. By extending the application of provisions authorizing certain uses of continuously appropriated funds, this bill would make an appropriation.*

**Existing**

(2) ~~Existing law authorizes the board to adopt regulations pursuant to existing law governing~~ requires the board to develop procedures, as specified, on matters within its jurisdiction and authorizes the board to recognize an authorized representative of the victim or derivative victim ~~who is required to represent the victim or derivative victim pursuant to rules adopted by the board.~~

This bill would include within the meaning of the term “authorized representative” a county social worker designated by a county department of social services to represent a child abuse or elder abuse victim if that victim is unable to file on his or her own behalf. *This bill would also repeal a requirement for the board to develop a simplified and expedited procedure for paying claims to a qualified provider of mental health services.*

**Existing**

(3) Existing law authorizes the board to establish maximum rates and service limitations for reimbursement of specified services and defines certain terms for purposes of the claim payment process.

The bill would provide that any ~~change~~ *reduction* in maximum rates or service limitations shall not affect payment or reimbursement of losses incurred prior to 3 months after the adoption of any changes. The bill would prohibit a provider from charging the victim or derivative victim for any difference between the cost of a service, as specified, and the program’s payment for that service. ~~The bill would also modify the definition of the term “qualified provider” for purposes of reimbursing mental health services claims.~~

Vote: ~~majority~~<sup>2/3</sup>. Appropriation: ~~no~~ yes. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 13952 of the Government Code is  
2 amended to read:

1 13952. (a) An application for compensation shall be filed with  
2 the board in the manner determined by the board.

3 (b) (1) The application for compensation shall be verified under  
4 penalty of perjury by the individual who is seeking compensation,  
5 who may be the victim or derivative victim, or an individual  
6 seeking reimbursement for burial, funeral, or crime scene cleanup  
7 expenses pursuant to subdivision (a) of Section 13957. If the  
8 individual seeking compensation is a minor or is incompetent, the  
9 application shall be verified under penalty of perjury or on  
10 information and belief by the parent with legal custody, guardian,  
11 conservator, or relative caregiver of the victim or derivative victim  
12 for whom the application is made. However, if a minor seeks  
13 compensation only for expenses for medical, medical-related,  
14 psychiatric, psychological, or other mental health  
15 counseling-related services and the minor is authorized by statute  
16 to consent to those services, the minor may verify the application  
17 for compensation under penalty of perjury.

18 (2) For purposes of this subdivision, “relative caregiver” means  
19 a relative as defined in subdivision (i) of Section 6550 of the  
20 Family Code, who assumed primary responsibility for the child  
21 while the child was in the relative’s care and control, and who is  
22 not a biological or adoptive parent.

23 (c) (1) The board may require submission of additional  
24 information supporting the application that is reasonably necessary  
25 to verify the application and determine eligibility for compensation.

26 (2) The staff of the board shall determine whether an application  
27 for compensation contains all of the information required by the  
28 board. If the staff determines that an application does not contain  
29 all of the required information, the staff shall communicate that  
30 determination to the applicant with a brief statement of the  
31 additional information required. The applicant, within 30 calendar  
32 days of being notified that the application is incomplete, may either  
33 supply the additional information or appeal the staff’s  
34 determination to the board, which shall review the application to  
35 determine whether it is complete.

36 (d) (1) The board may recognize an authorized representative  
37 of the victim or derivative victim, who shall represent the victim  
38 or derivative victim pursuant to rules adopted by the board.

39 (2) For purposes of this subdivision, “authorized representative”  
40 means any of the following:

1 (A) An attorney.

2 (B) If the victim or derivative victim is a minor or an  
3 incompetent adult, the legal guardian or conservator, or an  
4 immediate family member, parent, or relative caregiver who is not  
5 the perpetrator of the crime that gave rise to the claim.

6 (C) A victim assistance advocate certified pursuant to Section  
7 13835.10 of the Penal Code.

8 (D) An immediate family member of the victim or derivative  
9 victim, who has written authorization by the victim or derivative  
10 victim, and who is not the perpetrator of the crime that gave rise  
11 to the claim.

12 (E) Other persons who shall represent the victim or derivative  
13 victim pursuant to rules adopted by the board.

14 (F) A county social worker designated by a county department  
15 of social services to represent a child abuse victim or an elder  
16 abuse victim if that victim is unable to file on his or her own behalf.

17 (3) Except for attorney's fees awarded under this chapter, no  
18 authorized representative described in paragraph (2) shall charge,  
19 demand, receive, or collect any amount for services rendered under  
20 this subdivision.

21 *SEC. 2. Section 13953 of the Government Code is amended to*  
22 *read:*

23 13953. (a) An application for compensation shall be filed  
24 within ~~one year~~ *three years* of the date of the crime, ~~one year~~ *three*  
25 *years* after the victim attains 18 years of age, or ~~one year~~ *three*  
26 *years* of the time the victim or derivative victim knew or in the  
27 exercise of ordinary diligence could have discovered that an injury  
28 or death had been sustained as a direct result of crime, whichever  
29 is later. An application based on any crime eligible for prosecution  
30 under Section 801.1 of the Penal Code may be filed any time prior  
31 to the victim's 28th birthday.

32 (b) The board may for good cause grant an extension of the time  
33 period in subdivision (a). In making this determination, the board  
34 ~~may consider any relevant factors, including, but not limited to,~~  
35 *shall consider* all of the following:

36 ~~(1) A recommendation from the prosecuting attorney regarding~~  
37 ~~the victim's or derivative victim's cooperation with law~~  
38 ~~enforcement and the prosecuting attorney in the apprehension and~~  
39 ~~prosecution of the person charged with the crime.~~

~~(2) Whether particular events occurring during the prosecution or in the punishment of the person convicted of the crime have resulted in the victim or derivative victim incurring pecuniary loss.~~

~~(3) Whether the nature of the crime is such that a delayed reporting of the crime is reasonably excusable.~~

*(1) Whether the victim or derivative victim incurs emotional harm or a pecuniary loss while testifying during the prosecution or in the punishment of the person accused or convicted of the crime.*

*(2) Whether the victim or derivative victim incurs emotional harm or a pecuniary loss when the person convicted of the crime is scheduled for a parole hearing or released from incarceration.*

(c) The period prescribed in this section for filing an application by or on behalf of a derivative victim shall be tolled when the board accepts the application filed by a victim of the same qualifying crime.

~~SEC. 2.~~

SEC. 3. Section 13954 of the Government Code is amended to read:

13954. (a) The board shall verify with hospitals, physicians, law enforcement officials, or other interested parties involved, the treatment of the victim or derivative victim, circumstances of the crime, amounts paid or received by or for the victim or derivative victim, and any other pertinent information deemed necessary by the board. Verification information shall be returned to the board within 10 business days after a request for verification has been made by the board. Verification information shall be provided at no cost to the applicant, the board, or victim centers. When requesting verification information, the board shall certify that a signed authorization by the applicant is retained in the applicant's file and that this certification constitutes actual authorization for the release of information, notwithstanding any other provision of law. If requested by a physician or mental health provider, the board shall provide a copy of the signed authorization for the release of information.

(b) The victim and the applicant, if other than the victim, shall cooperate with the staff of the board or the victim center in the verification of the information contained in the application. Failure to cooperate shall be reported to the board, which, in its discretion, may reject the application solely on this ground.

1 (c) The board may contract with victim centers to provide  
2 verification of applications processed by the centers pursuant to  
3 conditions stated in subdivision (a). The board and its staff shall  
4 cooperate with the Office of Criminal Justice Planning and victim  
5 centers in conducting training sessions for center personnel and  
6 shall cooperate in the development of standardized verification  
7 procedures to be used by the victim centers in the state. The board  
8 and its staff shall cooperate with victim centers in disseminating  
9 standardized board policies and findings as they relate to the  
10 centers.

11 (d) Notwithstanding Section 827 of the Welfare and Institutions  
12 Code or any other provision of law, every law enforcement and  
13 social service agency in the state shall provide to the board or to  
14 victim centers that have contracts with the board pursuant to  
15 subdivision (c), upon request, a copy of a petition filed in a juvenile  
16 court proceeding, reports of the probation officer, any other  
17 document made available to the probation officer or to the judge,  
18 referee, or other hearing officer, a complete copy of the report  
19 regarding the incident, and any supplemental reports involving the  
20 crime, public offense, or incident giving rise to a claim, for the  
21 specific purpose of the submission of a claim or the determination  
22 of eligibility to submit a claim filed pursuant to this chapter. The  
23 board and victim centers receiving records pursuant to this  
24 subdivision may not disclose a document that personally identifies  
25 a minor to anyone other than the minor who is so identified, his  
26 or her custodial parent or guardian, the attorneys for those parties,  
27 and any other persons that may be designated by court order. Any  
28 information received pursuant to this section shall be received in  
29 confidence for the limited purpose for which it was provided and  
30 may not be further disseminated. A violation of this subdivision  
31 is a misdemeanor punishable by a fine not to exceed five hundred  
32 dollars (\$500).

33 (e) The law enforcement agency supplying information pursuant  
34 to this section may withhold the names of witnesses or informants  
35 from the board, if the release of those names would be detrimental  
36 to the parties or to an investigation in progress.

37 (f) Notwithstanding any other provision of law, every state  
38 agency, upon receipt of a copy of a release signed in accordance  
39 with the Information Practices Act of 1977 (Chapter 1  
40 (commencing with Section 1798) of Title 1.8 of Part 4 of Division

3 of the Civil Code) by the applicant or other authorized representative, shall provide to the board or victim center the information necessary to complete the verification of an application filed pursuant to this chapter.

(g) The Department of Justice shall furnish, upon application of the board, all information necessary to verify the eligibility of any applicant for benefits pursuant to subdivision (d) of Section 13956, to recover any restitution fine or order obligations that are owed to the Restitution Fund or to any victim of crime, or to evaluate the status of any criminal disposition.

(h) A privilege is not waived under Section 912 of the Evidence Code by an applicant consenting to disclosure of an otherwise privileged communication if that disclosure is deemed necessary by the board for verification of the application.

(i) Any verification conducted pursuant to this section shall be subject to the time limits specified in Section 13958.

(j) Any county social worker acting as the applicant for a child victim or elder abuse victim shall not be required to provide personal identification, including, but not limited to, the applicant's date of birth or social security number. County social workers acting in this capacity shall not be required to sign a promise of repayment to the board.

*SEC. 4. Section 13955 of the Government Code is amended to read:*

13955. Except as provided in Section 13956, a person shall be eligible for compensation when all of the following requirements are met:

(a) The person for whom compensation is being sought is any of the following:

(1) A victim.

(2) A derivative victim.

(3) (A) A person who is entitled to reimbursement for funeral, burial, or crime scene cleanup expenses pursuant to paragraph (9) of subdivision (a) of Section 13957.

(B) This paragraph applies without respect to any felon status of the victim.

(b) Either of the following conditions is met:

(1) The crime occurred within this state, whether or not the victim is a resident of the state. This paragraph shall apply only during those time periods during which the board determines that

1 federal funds are available to the state for the compensation of  
2 victims of crime.

3 (2) Whether or not the crime occurred within the State of  
4 California, the victim was any of the following:

5 (A) A resident of the state.

6 (B) A member of the military stationed in California.

7 (C) A family member living with a member of the military  
8 stationed in this state.

9 (c) If compensation is being sought for a derivative victim, the  
10 derivative victim is a resident of this state, or resident of another  
11 state, who is any of the following:

12 (1) At the time of the crime was the parent, grandparent, sibling,  
13 spouse, child, or grandchild of the victim.

14 (2) At the time of the crime was living in the household of the  
15 victim.

16 (3) At the time of the crime was a person who had previously  
17 lived in the household of the victim for a period of not less than  
18 two years in a relationship substantially similar to a relationship  
19 listed in paragraph (1).

20 (4) Is another family member of the victim, including, but not  
21 limited to, the victim's fiancé or fiancée, and who witnessed the  
22 crime.

23 (5) Is the primary caretaker of a minor victim, but was not the  
24 primary caretaker at the time of the crime.

25 (d) The application is timely pursuant to Section 13953.

26 (e) (1) Except as provided in paragraph (2), the injury or death  
27 was a direct result of a crime.

28 (2) Notwithstanding paragraph (1), no act involving the  
29 operation of a motor vehicle, aircraft, or water vehicle that results  
30 in injury or death constitutes a crime for the purposes of this  
31 chapter, except when the injury or death from such an act was any  
32 of the following:

33 (A) Intentionally inflicted through the use of a motor vehicle,  
34 aircraft, or water vehicle.

35 (B) Caused by a driver who fails to stop at the scene of an  
36 accident in violation of Section 20001 of the Vehicle Code.

37 (C) Caused by a person who is under the influence of any  
38 alcoholic beverage or drug.

1 (D) Caused by a driver of a motor vehicle in the immediate act  
2 of fleeing the scene of a crime in which he or she knowingly and  
3 willingly participated.

4 (E) Caused by a person who commits vehicular manslaughter  
5 in violation of subdivision (b) of Section 191.5, subdivision (c) of  
6 Section 192, or Section 192.5 of the Penal Code.

7 (F) Caused by any party where a peace officer is operating a  
8 motor vehicle in an effort to apprehend a suspect, and the suspect  
9 is evading, fleeing, or otherwise attempting to elude the peace  
10 officer.

11 (f) As a direct result of the crime, the victim or derivative victim  
12 sustained one or more of the following:

13 (1) Physical injury. The board may presume a child who has  
14 been the witness of a crime of domestic violence has sustained  
15 physical injury. A child who resides in a home where a crime or  
16 crimes of domestic violence have occurred may be presumed by  
17 the board to have sustained physical injury, regardless of whether  
18 the child has witnessed the crime.

19 (2) Emotional injury and a threat of physical injury.

20 (3) Emotional injury, where the crime was a violation of any of  
21 the following provisions:

22 (A) Section 261, 262, 271, 273a, 273d, 285, 286, 288, 288a,  
23 288.5, or 289, or subdivision (b) or (c) of Section 311.4, of the  
24 Penal Code.

25 (B) Section 270 of the Penal Code, where the emotional injury  
26 was a result of conduct other than a failure to pay child support,  
27 and criminal charges were filed.

28 (C) Section 261.5 of the Penal Code, and criminal charges were  
29 filed.

30 (D) Section 278 or 278.5 of the Penal Code, where the  
31 deprivation of custody as described in those sections has endured  
32 for 30 calendar days or more. For purposes of this paragraph, the  
33 child, and not the nonoffending parent or other caretaker, shall be  
34 deemed the victim.

35 (g) The injury or death has resulted or may result in pecuniary  
36 loss within the scope of compensation pursuant to Sections 13957  
37 to ~~13957.9~~, 13957.7, inclusive.

38 ~~SEC. 3.~~

39 SEC. 5. Section 13957.2 of the Government Code is amended  
40 to read:

1 13957.2. (a) The board may establish maximum rates and  
2 service limitations for reimbursement of medical and  
3 medical-related services and for mental health and counseling  
4 services. The adoption, amendment, and repeal of these service  
5 limitations and maximum rates shall not be subject to the  
6 rulemaking provision of the Administrative Procedure Act (Chapter  
7 3.5 (commencing with Section 11340) of Part 1). An informational  
8 copy of the service limitations and maximum rates shall be filed  
9 with the Secretary of State upon adoption by the board. Any ~~change~~  
10 *reduction* in the maximum rates or service limitations shall not  
11 affect payment or reimbursement of losses incurred prior to three  
12 months after the adoption of ~~any changes by regulations~~ *the*  
13 *reduction*. A provider who accepts payment from the program for  
14 a service shall accept the program's rates as payment in full and  
15 shall not accept any payment on account of the service from any  
16 other source if the total of payments accepted would exceed the  
17 maximum rate set by the board for that service. A provider shall  
18 not charge a victim or derivative victim for any difference between  
19 the cost of a service provided to a victim or derivative victim and  
20 the program's payment for that service. To ensure service  
21 limitations that are uniform and appropriate to the levels of  
22 treatment required by the victim or derivative victim, the board  
23 may review all claims for these services as necessary to ensure  
24 their medical necessity.

25 (b) The board may request an independent examination and  
26 report from any provider of medical or medical-related services  
27 or psychological or psychiatric treatment or mental health  
28 counseling services, if it believes there is a reasonable basis for  
29 requesting an additional evaluation. The victim or derivative victim  
30 shall be notified of the name of the provider who is to perform the  
31 evaluation within 30 calendar days of that determination. In cases  
32 where the crime involves sexual assault, the provider shall have  
33 expertise in the needs of sexual assault victims. In cases where the  
34 crime involves child abuse or molestation, the provider shall have  
35 expertise in the needs of victims of child abuse or molestation, as  
36 appropriate. When a reevaluation is requested, payments shall not  
37 be discontinued prior to completion of the reevaluation.

38 (c) Reimbursement for any medical, medical-related, or mental  
39 health services shall, if the application has been approved, be paid  
40 by the board within an average of 90 days from receipt of the claim

1 for payment. Payments to a medical or mental health provider may  
2 not be discontinued prior to completion of any reevaluation.  
3 Whether or not a reevaluation is obtained, if the board determines  
4 that payments to a provider will be discontinued, the board shall  
5 notify the provider of their discontinuance within 30 calendar days  
6 of its determination.

7 ~~SEC. 4.~~

8 *SEC. 6.* Section 13957.7 of the Government Code is amended  
9 to read:

10 13957.7. (a) No reimbursement may be made for any expense  
11 that is submitted more than three years after it is incurred by the  
12 victim or derivative victim. However, reimbursement may be made  
13 for an expense submitted more than three years after the date it is  
14 incurred if the victim or derivative victim has affirmed the debt  
15 and is liable for the debt at the time the expense is submitted for  
16 reimbursement, or has paid the expense as a direct result of a crime  
17 for which a timely application has been filed or has paid the  
18 expense as a direct result of a crime for which an application has  
19 been filed and approved.

20 (b) Compensation made pursuant to this chapter may be on a  
21 one-time or periodic basis. If periodic, the board may increase,  
22 reduce, or terminate the amount of compensation according to the  
23 applicant's need, subject to the maximum limits provided in this  
24 chapter.

25 (c) (1) The board may authorize direct payment to a provider  
26 of services that are reimbursable pursuant to this chapter and may  
27 make those payments prior to verification. However, the board  
28 may not, without good cause, authorize a direct payment to a  
29 provider over the objection of the victim or derivative victim.

30 (2) Reimbursement on the initial claim for any psychological,  
31 psychiatric, or mental health counseling services shall, if the  
32 application has been approved, be paid by the board within 90  
33 days of the date of receipt of the claim for payment, with  
34 subsequent payments to be made to the provider within one month  
35 of the receipt of a claim for payment.

36 (d) Payments for peer counseling services provided by a rape  
37 crisis center may not exceed fifteen dollars (\$15) for each hour of  
38 services provided. Those services shall be limited to in-person  
39 counseling for a period not to exceed 10 weeks plus one series of  
40 facilitated support group counseling sessions.

1 (e) The board shall develop procedures to ensure that a victim  
2 is using compensation for job retraining or relocation only for its  
3 intended purposes. The procedures may include, but need not be  
4 limited to, requiring copies of receipts, agreements, or other  
5 documents as requested, or developing a method for direct  
6 payment.

7 (f) Compensation granted pursuant to this chapter shall not  
8 disqualify an otherwise eligible applicant from participation in any  
9 other public assistance program.

10 (g) The board shall pay attorney's fees representing the  
11 reasonable value of legal services rendered to the applicant, in an  
12 amount equal to 10 percent of the amount of the award, or five  
13 hundred dollars (\$500), whichever is less, for each victim and each  
14 derivative victim. An attorney receiving fees from another source  
15 may waive the right to receive fees under this subdivision.  
16 Payments under this subdivision shall be in addition to any amount  
17 authorized or ordered under subdivision (b) of Section 13960. An  
18 attorney may not charge, demand, receive, or collect any amount  
19 for services rendered in connection with any proceedings under  
20 this chapter except as awarded under this chapter.

21 (h) A private nonprofit agency shall be reimbursed for its  
22 services at the level of the normal and customary fee charged by  
23 the private nonprofit agency to clients with adequate means of  
24 payment for its services, except that this reimbursement may not  
25 exceed the maximum reimbursement rates set by the board and  
26 may be made only to the extent that the victim otherwise qualifies  
27 for compensation under this chapter and that other reimbursement  
28 or direct subsidies are not available to serve the victim.

29 SEC. 5. ~~Section 13957.9 of the Government Code is amended~~  
30 ~~to read:~~

31 ~~13957.9. (a) Notwithstanding Section 13954, the board shall~~  
32 ~~develop a simplified and expedited procedure for paying claims~~  
33 ~~of a qualified provider of mental health services.~~

34 ~~(b) A simplified and expedited procedure for paying claims~~  
35 ~~specified in subdivision (a) shall include all of the following:~~

36 ~~(1) An agreement by the provider to subject its claims to audit~~  
37 ~~procedures established by the board and to request payment only~~  
38 ~~for qualified services.~~

39 ~~(2) An agreement by the board to pay claims on a regular and~~  
40 ~~timely basis to a qualified provider for services without requiring~~

1 further documentation beyond that required to initially qualify the  
2 claim.

3 ~~(3) Additional methods of simplifying the claims process as~~  
4 ~~agreed upon between the board and the qualified provider.~~

5 ~~(e) Simplified and expedited procedures for mental health~~  
6 ~~services may be instituted when both of the following conditions~~  
7 ~~are met:~~

8 ~~(1) The board has determined that the crime has occurred and~~  
9 ~~that the victim qualifies for compensation pursuant to this chapter.~~

10 ~~(2) Services to the victim or derivative victim, or both, are being~~  
11 ~~provided by a qualified provider.~~

12 ~~(d) An agency may apply to the board for a determination that~~  
13 ~~the agency is a qualified provider for purposes of this section. The~~  
14 ~~board shall approve or reject an application from a qualified~~  
15 ~~provider for participation in an agreement pursuant to this section~~  
16 ~~within 90 days of receipt of a complete application as required by~~  
17 ~~the board.~~

18 ~~(e) An agreement made pursuant to this section shall not be~~  
19 ~~deemed to be a contract subject to the requirements of Part 2~~  
20 ~~(commencing with Section 10100) of Division 2 of the Public~~  
21 ~~Contract Code.~~

22 ~~(f) For purposes of this section, “qualified provider” means an~~  
23 ~~agency with extensive experience in providing mental health~~  
24 ~~services and that has utilized reimbursement from the Restitution~~  
25 ~~Fund at a significant level on a regular and constant basis. Upon~~  
26 ~~request of an agency, the board shall determine if the agency is a~~  
27 ~~qualified provider for purposes of this section.~~

28 *SEC. 7. Section 13957.9 of the Government Code is repealed.*

29 ~~13957.9. (a) Notwithstanding Section 13954, the board shall~~  
30 ~~develop a simplified and expedited procedure for paying claims~~  
31 ~~of a qualified provider of mental health services.~~

32 ~~(b) A simplified and expedited procedure for paying claims~~  
33 ~~specified in subdivision (a) shall include all of the following:~~

34 ~~(1) An agreement by the provider to subject its claims to audit~~  
35 ~~procedures established by the board and to request payment only~~  
36 ~~for qualified services.~~

37 ~~(2) An agreement by the board to pay claims on a regular and~~  
38 ~~timely basis to a qualified provider for services without requiring~~  
39 ~~further documentation beyond that required to initially qualify the~~  
40 ~~claim.~~

~~(3) Additional methods of simplifying the claims process as agreed upon between the board and the qualified provider.~~

~~(e) Simplified and expedited procedures for mental health services may be instituted when both of the following conditions are met:~~

~~(1) The board has determined that the crime has occurred and that the victim qualifies for compensation pursuant to this chapter.~~

~~(2) Services to the victim or derivative victim, or both, are being provided by a qualified provider.~~

~~(d) A nonprofit agency may apply to the board for a determination that the nonprofit agency is a qualified provider for purposes of this section. The board shall approve or reject an application from a qualified provider for participation in an agreement pursuant to this section within 90 days of receipt of a complete application as required by the board.~~

~~(e) An agreement made pursuant to this section shall not be deemed to be a contract subject to the requirements of Part 2 (commencing with Section 10100) of Division 2 of the Public Contract Code.~~

~~(f) For purposes of this section, "qualified provider" means a nonprofit agency with extensive experience in providing mental health services and that has utilized reimbursement from the Restitution Fund at a significant level on a regular and constant basis. Upon request of a nonprofit agency, the board shall determine if the nonprofit agency is a qualified provider for purposes of this section.~~